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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,770	11/17/2003	Yoichi Okano	17236	2411
23389 7590 12/20/2007 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER				
HOAR, COLLEEN A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,770

Applicant(s)

OKANO, YOICHI

Examiner

COLLEEN HOAR

Art Unit

4172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
- Paper No(s)/Mail Date 11/17/2003
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1 through 14 are examined.

Priority

Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country. Translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP §201.15.

Specification

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: 'goods owned and carried by the user.

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Rejections - 35 USC § 112

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 rejected under 35 U.S.C. 102(e) as being anticipated by Bednarek (6965868).

As per Claim 1

Bednarek ('868) discloses:

An article information providing system comprising

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- portable terminal means for transmitting a profile of a user and information of goods owned by the user over a network; (Col 65, lines 4-8)
- coordination means for providing an example of combination, of the goods owned by the user, using said user's profile and information of goods owned by the user, which have been received from said portable terminal means over said network; and (Col 10, lines 42-48)
- combination information transmitting means for transmitting to said portable terminal means the example of combination of the goods provided by said coordination means. (Col 32, lines 1-12)

As per Claim 2

Bednarek ('868) discloses:

The article information providing system as defined in claim 1 wherein said coordination means includes storage means for memorizing information of goods as information representing goods and a condition of combination of the goods, and based on the condition of combination of the goods, using said user's profile and information of goods owned by the user received from said portable terminal means, said coordination means providing the example of combination of the goods received from said portable terminal means and the goods memorized in said storage means. (Col 33, lines 4-8; Col 77, lines 31-42)

As per Claim 3

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Bednarek ('868) discloses:

The article information providing system as defined in claim 1 wherein information of the goods owned by the user is information of the goods carried by the user. (Col 77, lines 34-38, Customer records including transaction history and profile contains information carried by the user.)

As per Claim 4

Bednarek ('868) discloses:

The article information providing system as defined in claim 1 wherein

- said portable terminal means includes position information acquisition means for acquiring the position information of said portable terminal means, said portable terminal means transmitting the position information acquired by said position information acquisition means along with said user's profile and information of goods owned by the user;(Col 21, lines 50-63)
- said coordination means receiving said position information over said network to provide the example of combination of the goods using
10 said user's profile, information of goods and the position information received over said network. (Col 77, lines 34-38; Col 21, lines 50-63)

As per Claim 5

Bednarek ('868) discloses:

The article information providing system as defined in claim 4 further comprising information requesting means for requesting information of goods owned by said user and the position information of the portable terminal means; said portable terminal means on receipt of a request for the information from said information requesting means over said network transmitting said information of goods owned by the user over said network. (Col 81, lines 1-14)

As per Claim 6

Bednarek ('868) discloses:

The article information providing system as defined in claims 1 wherein said combination information transmitting means is responsive to the request received over said network to transmit the example of combination of the goods provided by said coordination means over said network to make advertisement.(Col 82, lines 21-28; the merchant and/or sales agent transmits images and information to customer over a network.)

As per Claim 7

Bednarek ('868) discloses:

The article information providing system as defined in claims 1 further comprising

- an advertiser terminal owned by an advertiser; and (Col 10, lines 11-16, 61-63; Col 44, lines 35-38;

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- market analysis means for acquiring said user's profile and the information of goods owned by-the user from said portable terminal means, executing market analyses of articles of goods and transmitting the results of the market analyses over said network to said advertiser terminal.(Col 37, lines 66-67; Col 38, lines 1-7)

As per Claim 8

Bednarek ('868) discloses:

The article information providing system as defined in claims 1 wherein said portable terminal means transmits only a difference of information of goods or a difference of the position information over said network. (Col 30, lines 42-50)

As per Claim 9

Bednarek ('868) discloses:

An article information providing system comprising

- portable terminal means includes goods information readout means for reading out information of goods from a carrier of information of goods mounted on goods and wherein the information read out by said goods information, readout means is transmitted with a profile of a user over said network;(Col 11, lines 21-30)
- coordination means for providing an example of combination of the goods owned by the user, using said user's profile and information of goods owned by the user, which have been received from said portable terminal means over said network;

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and (Col 77, lines 34-46; the sales agent display contains the profile and history of customer, and pushes information about possible combinations to customer.(Col 77, lines 47-49)

- combination information transmitting means for transmitting to said portable terminal means the example of combination of the goods provided by said coordination means. (Col 77, lines 34-49)

As per Claim 10

Bednarek ('868) discloses:

An article information providing server comprising coordinating means including storage means for memorizing information of goods as information representing goods and condition of combination of the goods, Said coordinating means providing an example of combination of the goods received over said network and the goods stored in said storage means, based on said condition of combination of goods, using said user's profile and information of goods owned by the user, received over said network; and combination information transmitting means for transmitting the example of combination of goods provided by said coordination means over said network. (Fig. 1, 30; Col 23, lines 11-17; Col 28, lines 17-21; Col 89, lines 62-65)

As per Claim 11

Bednarek ('868) discloses:

The article information providing server as defined in claim 10 wherein information of the goods owned by the user are information of the goods carried by the user. (Col 90, lines 55-63)

As per Claim 12

Bednarek ('868) discloses:

The article information providing server as defined in claim 10 wherein said coordination means further receives the user's position information over said network and provides an example of combination of the goods using-said user's profile, information of the goods owned by the user and the user's position information, received over said network.(Col 36, lines 37-42)

As per Claim 13

Bednarek ('868) discloses:

The article information providing server as defined in claims 10 wherein said combination information transmitting means is responsive to a request received over said network to transmit the example of combination of the goods provided by said coordination means over said network to make advertisements. (Col 27, lines 59-65)

As per Claim 14

Bednarek ('868) discloses:

The article information-providing server as defined in claims 10 further comprising market analysis means for acquiring said user's profile and information of goods owned by the user to execute market analyses of the articles and for transmitting the results of the market analyses over said network to an advertiser terminal owned by an advertiser. (Fig. 1, 30; Col 23, lines 11-17; Col 28, lines 17-27; Col 28, lines 17-37; Col 62, lines 33-37)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Information on Garanimals for combining articles of clothing.
2. Jacobi (6064980), Bezos (6963850), disclose recommending engines to customers based on history, ratings systems and like customer marketing categories.
3. Onyshkevych et al. (6665577) discloses a virtual model that allows customers to mix and match clothes and accessories on a graphical display of themselves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLLEEN HOAR whose telephone number is (571)270-3447. The examiner can normally be reached on Monday- Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THOMAS A DIXON/
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